

# ACT No. 248

2024 Regular Session

HOUSE BILL NO. 64

BY REPRESENTATIVES STAGNI, ADAMS, BACALA, BAGLEY, BAYHAM, BILLINGS, BOYER, BRASS, BRAUD, BRYANT, BUTLER, CARRIER, CHASSION, COX, DEWITT, DOMANGUE, EGAN, FISHER, FONTENOT, FREEMAN, FREIBERG, GREEN, HILFERTY, HORTON, HUGHES, ILLG, JACKSON, KNOX, LAFLEUR, MCMAKIN, MOORE, MYERS, OWEN, PHELPS, SELDERS, TAYLOR, THOMPSON, VENTRELLA, VILLIO, WALTERS, WILDER, WILEY, AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 40:989, relative to dangerous chemical substances; to provide  
3 relative to the elements of unlawful inhalation, ingestion, use, or possession of  
4 certain substances; to provide for an exception; to provide for penalties; to provide  
5 for enforcement; to provide for the promulgation of rules and regulations; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:989 is hereby amended and reenacted to read as follows:

9 §989. Dangerous chemical substances; butyl nitrite, nitrous oxide, and amyl nitrite;  
10 use and transference; penalties

11 A.(1) It shall be unlawful for any person to inhale, ingest, use, or possess any  
12 compound, liquid, gas, or chemical which contains butyl nitrite, isobutyl nitrite,  
13 secondary butyl nitrite, tertiary butyl nitrite, and mixtures containing butyl nitrite,  
14 isobutyl nitrite, secondary butyl nitrite, or tertiary butyl nitrite.

15 (2) It shall be unlawful for any person to inhale, ingest, use, or possess any  
16 compound, liquid, gas, or chemical which contains nitrous oxide, commonly known  
17 as "laughing gas" and any amyl nitrite, commonly known as "poppers" or "snappers".

18 ~~(3) B.~~ The provisions hereof do of Subsection A of this Section shall not  
19 apply to any of the following:

20 (1) the The possession and use of these substances prescribed as part of the  
21 care or treatment of a disease, condition, or injury by a licensed medical or dental  
22 practitioner.

23 (2) or to the The possession and use of these substances by a manufacturer  
24 as part of a manufacturing process or industrial operation.

1                   ~~(4)~~ (3) The provisions of this Section do not apply to the possession, use, or  
2                   sale of nitrous oxide as a propellant in food preparation for restaurant, food service,  
3                   or houseware products.

4                   (4) The possession, use, or sale of nitrous oxide for automotive purposes.

5                   ~~B: C.~~ C. It shall be unlawful for any person ~~to, entity, business, or corporation~~  
6                   to produce, manufacture, possess, buy, sell, or otherwise transfer any substance  
7                   specified in Subsection A of this Section ~~for the purpose of inducing or aiding any~~  
8                   ~~other person to inhale or ingest such substance~~ or otherwise violate the provisions  
9                   of Subsection A.

10                  ~~C: D.~~ D. Whoever violates the provisions of this Section shall be fined not more  
11                  than two thousand five hundred dollars or imprisoned with or without hard labor for  
12                  not more than ~~six months~~ one year, or both.

13                  ~~D: E.~~ E. Any person who violates any of the provisions of this Section may, in  
14                  the discretion of the trial judge, be required to participate in an approved drug  
15                  rehabilitation program, as a condition of probation.

16                  F.(1) The office of alcohol and tobacco control may conduct any  
17                  investigation as necessary to regulate and enforce the provisions of this Section.

18                  (2) The provisions of this Subsection shall not prohibit a law enforcement  
19                  agency of the state or its political subdivisions with appropriate jurisdiction from  
20                  enforcing the provisions of this Section.

21                  G. The office of alcohol and tobacco control shall promulgate rules and  
22                  regulations in accordance with the Administrative Procedure Act to provide for the  
23                  regulation and enforcement of this Section.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_